



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 25, 2011

Kerry Sutton
Freedom of Information Officer
Illinois State Police
801 S. Seventh St.
Suite 1000-S
Springfield, IL 19461

RE: Pre-Authorization Request — 2011 PAC 12479

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request dated February 1, 2011, seeking copies of the documents described in his letter. In its written notice, the ISP asserted that a suspect's name is exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Determinations

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." *Id.* The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The ISP's use of the exemption in Section 7(1)(c) to withhold the name of a suspect, who has not been arrested, is approved. We have determined that the disclosure of this name would constitute

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a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, the ISP may issue a partial denial letter directly to the requester and release the report with the appropriate information redacted.

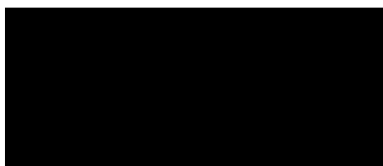
If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Sarah Kaplan by EK

Sarah Kaplan
Assistant Public Access Counselor

cc:



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